

1455
VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

100001298

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 08-1209-2410

ELECTIONS: UNIT M-0
(herein Subject Drilling Unit)

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on August 31, 2009 which was recorded at Document 090003099 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on October 13, 2009, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit M-0;

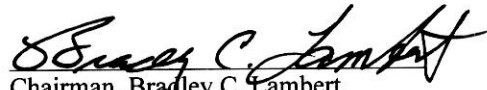
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company PO Box 3860 Kingsport, TN 37664, Attn: Debbie Davis or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

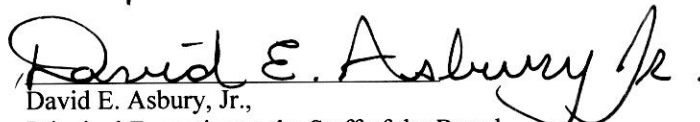
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 8 day of April, 2010, by a majority of the Virginia Gas and Oil Board.

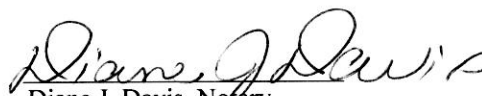

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 8 day of April, 2010, by Order of the Board.


David E. Asbury, Jr.,
Principal Executive to the Staff of the Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 8th day of April, 2010, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.


Diane J. Davis, Notary
174394

My commission expires: September 30, 2013



VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit M-0
VGOB 08-1209-2410 in the Prater District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Anita D. Duty, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Pooling Supervisor and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on August 31, 2009, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on October 13, 2009;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of August 31, 2009;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

None

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

See attached Exhibit B-2

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be added or dismissed as Respondents:

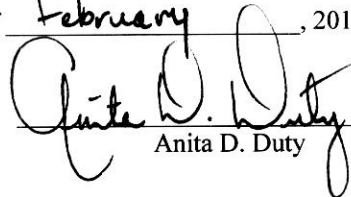
Sheila Miller

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

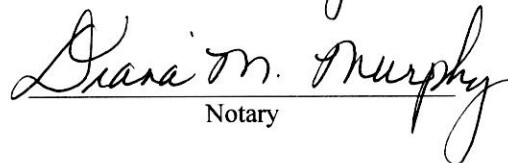
Dated at Bluefield, West Virginia, this 19th day of February, 2010.


Anita D. Duty

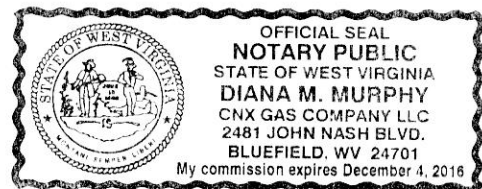
STATE OF WEST VIRGINIA
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company

LLC, on behalf of the corporate Designated Operator, this 19th day of February, 2010.


Notary

My commission expires: December 4, 2016



PROPERTY LINES SHOWN ON THIS PLAT WERE TAKEN
FROM DEED DESCRIPTIONS AND CHAIN OF TITLE
AND DOES NOT REPRESENT A CURRENT FIELD SURVEY.

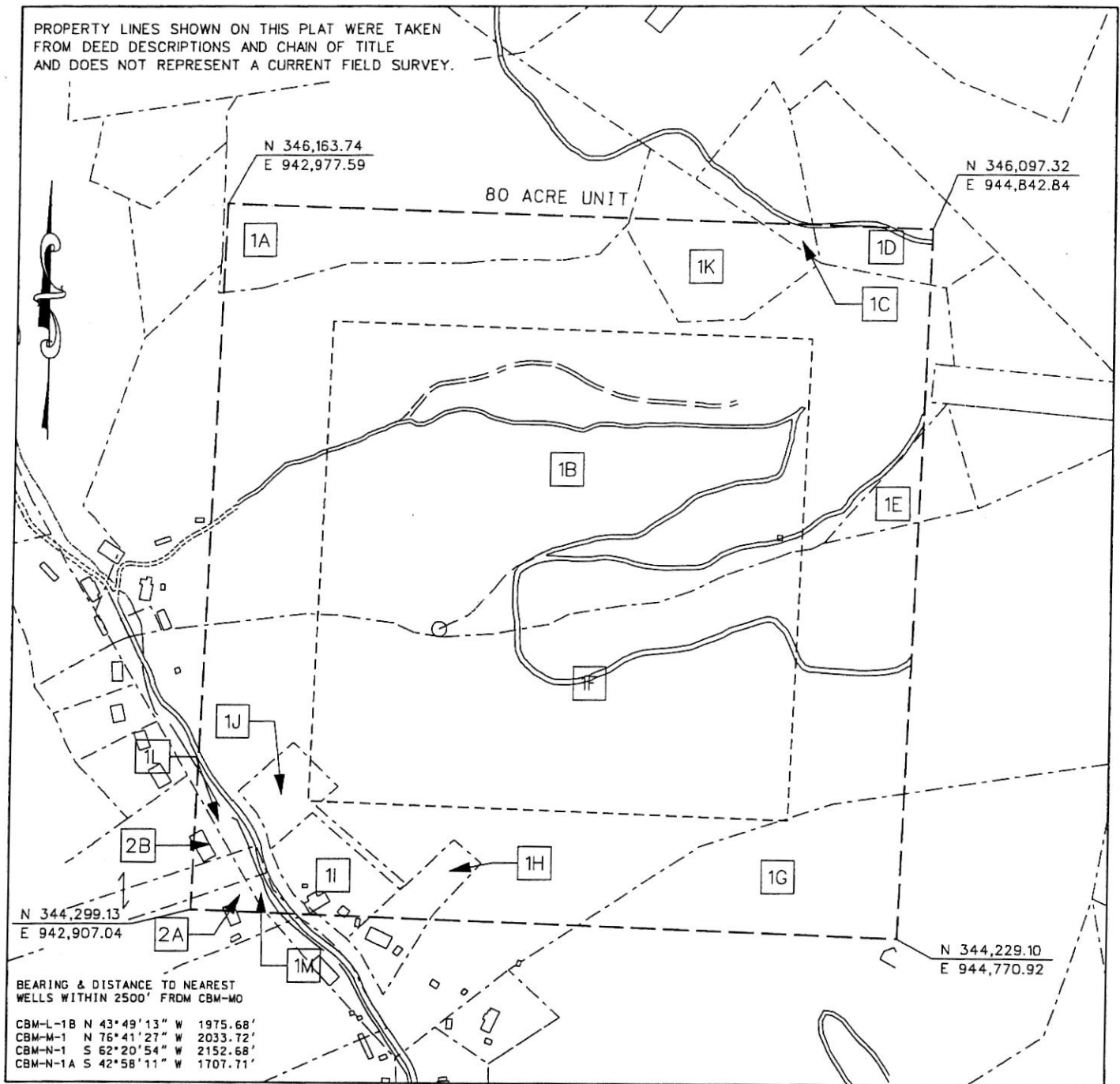
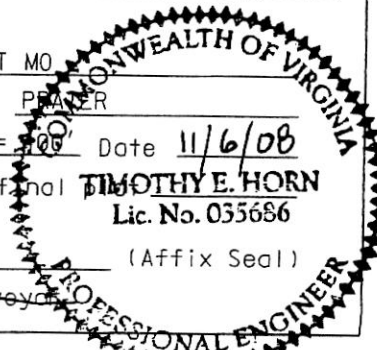


EXHIBIT A
OAKWOOD FIELD
UNIT MO
FORCE POOLING
VGOB 08-1209-2410

Company CNX Gas Company LLC Well Name and Number UNIT MO
Tract No. _____ Elevation _____ Quadrangle PRATER
County BUCHANAN District PRATER Scale: 1" = 400' Date 11/6/08
This plat is a new plat _____ ; an updated plat X ; or a final plat _____
Form DGO-GO-7 _____
Rev. 9/91 _____
Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC

Unit M 0

Tract Identifications

1. Consolidation Coal Company, et al Big Vein Tr. 59 (311.40 Acre Tract) – All Minerals except Oil, Gas and CBM
Island Creek Coal Company/Consol Energy, Inc. – Coal below the Tiller Seam Leased
Jewell Smokeless Coal Corp. – Tiller and Above Coal Leased
Highland Resources, Inc. / North American Resources, Corp., et al – Oil and Gas
CNX Gas Company LLC – Oil and Gas Leased (1/3)
Plum Creek Timberlands, L.P., et al – CBM
CNX Gas Company LLC – CBM Leased
79.30 Acres 99.1250%
- 1A. Unknown Surface Owner
- 1B. Ollie Looney Heirs – Surface
- 1C. Phyllis Williams – Surface
- 1D. Unknown Surface Owner
- 1E. Unknown Surface Owner
- 1F. Terry L. Owens – Surface
- 1G. Rosa L. Childress, et al – Surface
- 1H. Unknown Surface Owner
- 1I. Earl Looney, et ux – Surface
- 1J. Sandra Matney, et vir – Surface
- 1K. Mary M.L. Yates – Surface
- 1L. Harold Deel, et ux – Surface
- 1M. Robert H. Deel – Surface
2. Josephine Boyd Heirs, et al (F.M.F Boyd Heirs, et al – 86.00 Acre Tract) – Coal (Except % of Widow Kennedy and Above Coal Seams)
Rual Fuller/National Energy Corp. (%) of Widow Kennedy and Above Coal Seams
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam (94.44%) Leased
Alpha Land and Reserves, LLC – (%) Coal in Blair Seam and Above Leased
Josephine Boyd Heirs, et al (F.M.F Boyd Heirs, et al) – Oil and Gas (97.88% Ownership)
CNX Gas Company LLC – Oil and Gas (2.1180% Ownership)
CNX Gas Company LLC – (94.9709%) Oil, Gas and CBM Leased
0.70 Acres 0.8750%
- 2A. Robert H. Deel – Surface
- 2B. Harold Deel, et ux – Surface

60

Exhibit B-2
Unit M-0
Docket #VGOB 08-1209-2410
List of Respondants to be Added and/or Dismissed

	Acres in Unit	Percent of Unit	Reason for Dismissal
I. <u>COAL OWNERSHIP</u>			
<u>Tract #2, 0.70 acres</u>			
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al. (86 Acre Tract)	0.70 acres	0.8750%	
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns			
(e) Ada Nell Stiltner Heirs, Devisees, Successors or Assigns			
(e.3) Shelia Miller 22455 Wyldwood Road Abingdon, VA 24211	0.0016 acres 1/432 of 0.70 acres	0.0020%	Leased
II. <u>OIL & GAS OWNERSHIP</u>			
<u>Tract #2, 0.70 acres</u>			
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al. (86 Acre Tract)	0.70 acres	0.8750%	
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns			
(e) Ada Nell Stiltner Heirs, Devisees, Successors or Assigns			
(e.3) Shelia Miller 22455 Wyldwood Road Abingdon, VA 24211	0.0016 acres 1/432 of 0.70 acres	0.0020%	Leased

Exhibit B-3
Unit M-0
Docket #VGOB 08-1209-2410
List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
I. <u>COAL OWNERSHIP</u>		
<u>Tract #2, 0.70 acres</u>		
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al. (86 Acre Tract)	0.70 acres	0.8750%
(1) Marion Boyd Heirs, Devisees, Successors or Assigns		
(a) Clyde Boyd P.O. Box 403 Clinchco, VA 24226	0.0048 acres 1/147 of 0.70 acres	0.0060%
(b) Kilby Boyd c/o Clyde Boyd P.O. Box 403 Chinchco, VA 24226	0.0048 acres 1/147 of 0.70 acres	0.0060%
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns		
(c) Leah Vernie Baldwin Heirs, Devisees, Successors or Assigns		
(c.2) Opal Mattie Hunt 117 Five Forks Drive Morgantown, WV 26508-9025	0.0008 acres 1/864 of 0.70 acres	0.0010%
(c.6) Laura Virginia Manier Rt.2 Box 54 Vansant, VA 24656	0.0008 acres 1/864 of 0.70 acres	0.0010%
(c.7) Henry Nathan Baldwin, Jr. Rt.2 Box 453 Vansant, VA 24656	0.0008 acres 1/864 of 0.70 acres	0.0010%
(c.11) James Curtis Baldwin 1261 Baldwin Rd. Vansant, VA 24656	0.0011 acres 1/648 of 0.70 acres	0.0014%
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns		
(j.2) Lloyd Cook Rt.5 Box 535 Grundy, VA 24614	0.0024 acres 1/288 of 0.70 acres	0.0030%
(j.4) Ercil Cook Heirs, Devisees, Successors or Assigns		
(j.4.1) Mark Cook Address Unknown	0.0008 acres 1/864 of 0.70 acres	0.0010%
(j.4.1) Ercil Cook, Jr. Address Unknown	0.0008 acres 1/864 of 0.70 acres	0.0010%
(j.4.1) Ursula Cook Address Unknown	0.0008 acres 1/864 of 0.70 acres	0.0010%
(l) Ardue Guy Boyd Heirs, Devisees, Successors or Assigns		

8

Exhibit B-3
Unit M-0
Docket #VGOB 08-1209-2410
List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
(I.6) Estil Boyd Heirs, Devisees, Successors or Assigns		
(I.6.1) Katherine Boyd 116 Villa Lane Taylorsville, NC 28681	0.0008 acres 1/864 of 0.70 acres	0.0010%
(I.11) Robert G. Boyd Rt.1 Box 416 Vansant, VA 24656	0.0008 acres 1/864 of 0.70 acres	0.0010%
(9) Leah Victoria Barton Heirs, Devisees, Successors or Assigns		
(b) Hazel Barton Heirs, Devisees, Successors or Assigns		
(b.1) Henry M. Barton P.O. Box 165 Vansant, VA 24656	0.0014 acres 1/490 of 0.70 acres	0.0018%
(d) Marvin Barton 127 Vine Drive Yorktown, VA 23692	0.0014 acres 1/490 of 0.70 acres	0.0018%

II. OIL & GAS OWNERSHIP

Tract #2, 0.70 acres

(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al. (86 Acre Tract)	0.70 acres	0.8750%
(1) Marion Boyd Heirs, Devisees, Successors or Assigns		
(a) Clyde Boyd P.O. Box 403 Clinchco, VA 24226	0.0048 acres 1/147 of 0.70 acres	0.0060%
(b) Kilby Boyd c/o Clyde Boyd P.O. Box 403 Chinchco, VA 24226	0.0048 acres 1/147 of 0.70 acres	0.0060%
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns		
(c) Leah Vernie Baldwin Heirs, Devisees, Successors or Assigns		
(c.2) Opal Mattie Hunt 117 Five Forks Drive Morgantown, WV 26508-9025	0.0008 acres 1/864 of 0.70 acres	0.0010%
(c.6) Laura Virginia Manier Rt.2 Box 54 Vansant, VA 24656	0.0008 acres 1/864 of 0.70 acres	0.0010%
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9

Exhibit B-3
Unit M-0
Docket #VGOB 08-1209-2410
List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
(c.11) James Curtis Baldwin 1261 Baldwin Rd. Vansant, VA 24656	0.0011 acres 1/648 of 0.70 acres	0.0014%
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns		
(j.2) Lloyd Cook Rt.5 Box 535 Grundy, VA 24614	0.0024 acres 1/288 of 0.70 acres	0.0030%
(j.4) Ercil Cook Heirs, Devisees, Successors or Assigns		
(j.4.1) Mark Cook Address Unknown	0.0008 acres 1/864 of 8.20 acres	0.0010%
(j.4.1) Ercil Cook, Jr. Address Unknown	0.0008 acres 1/864 of 8.20 acres	0.0010%
(j.4.1) Ursula Cook Address Unknown	0.0008 acres 1/864 of 8.20 acres	0.0010%
(l) Ardue Guy Boyd Heirs, Devisees, Successors or Assigns		
(l.6) Estil Boyd Heirs, Devisees, Successors or Assigns		
(l.6.1) Katherine Boyd 116 Villa Lane Taylorsville, NC 28681	0.0008 acres 1/864 of 0.70 acres	0.0010%
(l.11) Robert G. Boyd Rt.1 Box 416 Vansant, VA 24656	0.0008 acres 1/864 of 0.70 acres	0.0010%
(9) Leah Victoria Barton Heirs, Devisees, Successors or Assigns		
(b) Hazel Barton Heirs, Devisees, Successors or Assigns		
(b.1) Henry M. Barton P.O. Box 165 Vansant, VA 24656	0.0014 acres 1/490 of 0.70 acres	0.0018%
(d) Marvin Barton 127 Vine Drive Yorktown, VA 23692	0.0014 acres 1/490 of 0.70 acres	0.0018%

INSTRUMENT #1000001298
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MAY 19, 2010 AT 02:26PM

BEVERLY S. TILLER, CLERK
RECORDED BY: SLB

10